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VIA CM/ECF

Maureen W. Gornik, Acting Clerk of Court  
United States Court of Appeals for the Eighth Circuit  
Thomas F. Eagleton Courthouse  
111 South 10th Street  
St. Louis, MO 63102

Re: *United States v. Iowa*, No. 24-2265

Dear Ms. Gornik:

Pursuant to Federal Rule of Appellate Procedure 28(j), I write to notify the Court of a recent published decision of this Court in *United States v. Missouri*, No. 23-1457, --- F.4th ---, 2024 WL 3932470 (8th Cir. Aug. 26, 2024). A copy of the slip opinion is attached to this letter.

In *Missouri*, the United States sued the State of Missouri and its governor and attorney general, alleging that a Missouri law violated the Supremacy Clause. Slip op. 2. The State argued that “the United States cannot sue to enforce the Supremacy Clause because it lacks a cause of action.” *Id.* at 8.

This Court squarely rejected that argument, holding that the United States may sue in equity to enjoin preempted state laws. *See* Slip op. 8. This Court recognized “an equitable tradition of suits to enjoin unconstitutional actions by state actors.” *Id.* (citing *Armstrong v. Exceptional Child Ctr., Inc.*, 575 U.S. 320, 326-27 (2015)). It noted that “[b]ased on that equitable tradition, the United States has sued in other cases to enjoin a state law’s implementation and enforcement or for other appropriate relief.” *Id.* (citing *United States v. Washington*, 596 U.S. 832, 837 (2022); *United States v. Minnesota*, 270 U.S. 181, 194 (1926); *Sanitary Dist. v. United States*, 266 U.S. 405, 425-26 (1925)). And it held that the United States could proceed under that same tradition to enjoin enforcement of Missouri’s enactment. *Id.*

In this case, the United States proceeds under the same equitable right of action as it did in *Missouri*. Therefore, the holding in *Missouri* defeats Iowa's argument (Br. 36–39) that the United States lacks a right of action.

Respectfully submitted,

/s/ *Maxwell A. Baldi*  
Maxwell A. Baldi

cc: All counsel of record (by CM/ECF)